

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA**

In Re:  Generations on 1 <sup>st</sup> LLC,  Debtor.	Case No.: 25-30002  Chapter 11
In Re:  Parkside Place LLC,  Debtor.	Case No.: 25-30003  Chapter 11
Generations on 1st, LLC, Parkside Place, LLC, and The Ruins, LLC,  Plaintiffs,  vs.  Red River State Bank,  Defendant and Third-Party Plaintiff,	Adversary No.: 25-07009  vs.  Craig Development, LLC, Craig Properties, LLC, Jesse Craig, and Jordan Horner,  Third-Party Defendants.

**DEFENDANT'S RESPONSE TO MOTION TO DISMISS COUNTERCLAIM AND  
STRIKE THIRD-PARTY CLAIM FILED BY GENERATIONS ON 1<sup>ST</sup> AND  
PARKSIDE PLACE, LLC**

Red River State Bank (“RRSB”) filed its Defendant’s Answer and Counterclaim and Third-Party Complaint on December 10, 2025.<sup>1</sup> On January 6, 2026, Generations on 1st, LLC and Parkside Place, LLC (“Chapter 11 Debtors”) responded by their Motion to Dismiss Counterclaimn (sic) and Strike Third-Party Claim (the “Motion”).<sup>2</sup> No other party has responded to Defendant’s Answer and Counterclaim and Third-Party Complaint.

In response to the Motion, consistent with Rule 15(a)(1)(B) of the Federal Rules of Bankruptcy Procedure, RRSB has amended its Defendant’s Answer and Counterclaim and Third-Party Complaint by filing its Defendant’s First Amended Answer and Counterclaim.<sup>3</sup> Accordingly, RRSB respectfully requests that this Court deny Chapter 11 Debtors’ Motion as moot.<sup>4</sup>

Dated this 27th day of January, 2026.

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<sup>1</sup> See ECF No. 31.

<sup>2</sup> See generally ECF No. 36.

<sup>3</sup> See generally ECF. No. 42; cf. Fed. R. Civ. P. 15(a)(1)(B) (allowing a party to amend a pleading as a matter of course within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier”); cf. also Fed. R. Bankr. P. 7015 (“Fed. R. Civ. P. 15 applies in an adversary proceeding.”).

<sup>4</sup> See, e.g., *Gonzalez v. Jeld-Wen, Inc.*, Case No. 3:24-cv-01116-JO-VET, 2024 WL 3892939, at \*1 (S.D. Cal. Aug. 21, 2024) (“When a party properly avails itself of the opportunity to amend its pleading in response to a Rule 12(b) motion, courts deny the pending motions to dismiss as moot.” (citation omitted)); see also *Cutts v. Berkeley Police Dep’t*, No. 4:24-cv-01102-AGF, 2024 WL 4227758, at \*1 (E.D. Mo. Sept. 18, 2024) (“In light of Plaintiff’s amended complaint (ECF No. 13), filed under Rule 15(a)(1)(B), Defendants’ motion to dismiss (ECF. No. 6) will be denied as moot.” (citations omitted)).

**VOGEL LAW FIRM**

BY:/s/ Drew J. Hushka

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